

Message Text

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C O N F I D E N T I A L ZAGREB 1071

E.O. 11652: GDS
TAGS: CASC, YO (POD, ELI)
SUBJECT: W/W AMCIT ELI POD; DEMARCHE TO CHIEF OF CROATIAN
BUREAU OF CONSULAR AFFAIRS

REF: ZAGREB 1037

1. FOLLOWING MY RETURN TO POST, I CALLED ON CHIEF OF THE CROATIAN BUREAU OF CONSULAR AFFAIRS, MRS. MIRA DJERMANOVIC ON DECEMBER 20, AND IN STRONG TERMS MADE REPRESENTATIONS ABOUT THE FAILURE OF THE BUREAU OF CONSULAR AFFAIRS TO HAVE NOTIFIED US IN TIME TO PERMIT A CONSULAR OFFICER TO ATTEND THE TRIAL OF AMERICAN CITIZEN ELI POD. THE DEPUTY CHIEF OF THE BUREAU OF CONSULAR AFFAIRS MIHAJLO MONTILJO AND CONSUL JAMES L. HALMO WERE ALSO PRESENT.

2. I EXPRESSED MY ASTONISHMENT AT THIS LAPSE ON THE PART OF THE YUGOSLAV AUTHORITIES WHICH I SAID WAS INCONSISTENT WITH THE EXCELLENT COMMUNICATIONS AND WORKING RELATIONSHIP BETWEEN THE CONSULATE AND THE BUREAU OF CONSULAR AFFAIRS. I SAID THAT WE HAD COME TO EXPECT IMPECCABLY CORRECT BEHAVIOR ON THE PART OF THE LOCAL AUTHORITIES IN THOSE CONSULAR MATTERS WHERE A UNITED STATES CITIZEN WAS INVOLVED. I HAD, THEREFORE, FELT IT NECESSARY ON THIS INITIAL VISIT FOLLOWING MY RETURN TO ZAGREB TO DRAW ATTENTION TO THE FORMAL PROTEST NOTE WHICH THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 ZAGREB 01071 220814Z

CONSULATE HAD TRANSMITTED ON THIS SUBJECT ON DECEMBER 8, 1976.

3. MRS. DJERMANOVIC STATED THAT UNDER THE VIENNA CONSULAR CONVENTION SHE IS OBLIGED TO INFORM A FOREIGN CONSULATE WHENEVER ONE OF ITS NATIONALS IS APPREHENDED IN CROATIA. SHE

SAID WITH FEELING THAT SHE TAKES THIS OBLIGATION SERIOUSLY AND IN THE CASE OF ELI POD HAD INFORMED THE CONSULATE WITHIN 72 HOURS OF HIS ARREST. HER OFFICE HAD DONE ALL IT COULD TO TRY TO FACILITATE THE U.S. CONSULATE WITH REGARD TO THE POD CASE. HER OFFICE HAD HELPED ARRANGE FOR A CONSULAR OFFICER TO MEET WITH THE LOCAL JUDGE IN OGULIN AS WELL AS WITH POD. SUBSEQUENTLY, AT HER SUGGESTION, THE CONSULATE HAD FORWARDED A NOTE ASKING TO BE INFORMED OF THE DATE OF THE POD TRIAL SO THAT HER OFFICE WOULD BE REMINDED TO ACT ON THE REQUEST. SUCH A NOTE WAS RECEIVED BY THE BUREAU OF CONSULAR AFFAIRS ON NOVEMBER 24 AND THE FOLLOWING DAY HER OFFICE TRIED CONTINUOUSLY BUT IN VAIN TO TELEPHONE THE JUDGE'S OFFICE IN OGULIN. SHE POINTED OUT THAT TELEPHONE COMMUNICATIONS IN YUGOSLAVIA, ESPECIALLY WITH A SMALL TOWN, IS SOMETIMES DIFFICULT. WHEN MONTILJO FINALLY REACHED THE JUDGE'S OFFICE SEVERAL DAYS LATER, HE WAS STARTLED TO LEARN THAT THE TRIAL HAD ALREADY TAKEN PLACE. MONTILJO THEN CALLED THE CONSULATE AND CONVEYED THIS INFORMATION.

4. MRS. DJERMANOVIC SAID THAT THERE WAS NO REASON FOR HER OFFICE TO IMPEDE THE PRESENCE OF AN AMERICAN CONSULAR OFFICER AT THE POD TRIAL. THE TRIAL WAS A PUBLIC ONE AND ANYONE WAS FREE TO ATTEND. WHILE SHE REGRETTED WHAT HAD HAPPENED, SHE MENTIONED THAT ONE WOULD HAVE EXPECTED POD'S LAYWER TO HAVE NOTIFIED THE CONSULATE OF THE DATE OF THE TRIAL. SHE RECOMMENDED THAT IN FUTURE CASES INVOLVING U.S. CITIZENS, THE CONSULATE REQUEST BOTH THE JUDGE AND THE DEFENDANT'S LAWYER DIRECTLY TO INFORM IT OF THE TRIAL DATE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 ZAGREB 01071 220814Z

5. IN THE COURSE OF THE DISCUSSIONS, MRS. DJERMANOVIC MENTIONED THAT FOLLOWING THE RECEIPT OF THE CONSULATE'S PROTEST NOTE, SOME IN THE CROATIAN GOVERNMENT HAD POINTED AN ACCUSING FINGER AT THE BUREAU OF CONSULAR AFFAIRS FOR TRYING TO DISTURB US-YUGOSLAV RELATIONS. SHE SAID SHE HAD VEHEMENTLY REJECTED THIS NOTION AND ASSURED US THAT THIS WAS NOT THE CASE. SHE INFORMED US THAT A RESPONSE TO OUR PROTEST NOTE WOULD BE FORTHCOMING IN WHICH THE BUREAU OF CONSULAR AFFAIRS WOULD EXPLAIN PRECISELY WHAT ITS ROLE HAD BEEN WITH RESPECT TO THE POD CASE AND WHY IT WAS THAT THE BUREAU OF CONSULAR AFFAIRS HAD NOT INFORMED THE CONSULATE OF THE DATE OF POD'S TRIAL.

6. COMMENT: BOTH MRS. DJERMANOVIC AND MONTILJO SEEMED UPSET AND EMBARRASSED BY THE "MISUNDERSTANDING" WHICH HAD ARISEN IN CONNECTION WITH THE POD CASE. THEY ARE AWARE OF THE IMPORTANCE THE USG ATTACHES TO PROTECTING THE RIGHTS OF AMERICAN CITIZENS ABROAD. WE WERE LED TO

BELIEVE THAT THE CROATIAN BUREAU OF CONSULAR AFFAIRS
WIL DO ITS UTMOST TO AVOID A SIMILAR "MISUNDERSTANDING"
FROM HAPPENING AGAIN.
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